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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/534,081

06/13/2005

Kohji Fukatsu

3119 USOP

8962

21874

7590

03/30/2009

EDWARDS ANGELL PALMER & DODGE LLP

P.O. BOX 55874

BOSTON, MA 02205

EXAMINER

CORNET, JEAN P

ART UNIT

PAPER NUMBER

4121

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10534081 | 6/13/2005 | FUKATSU ET AL. | 3119 US0P |

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EXAMINER

JEAN CORNET

| ART UNIT | PAPER |
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4121

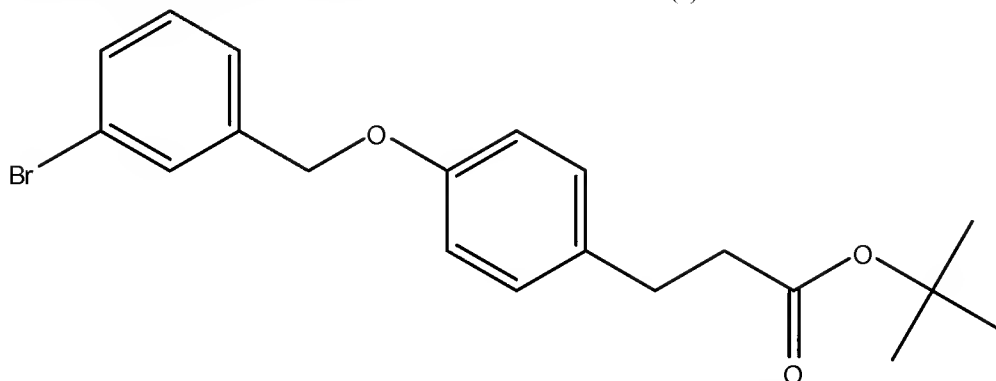
20090222

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Commissioner for Patents

1. The reply filed on 01/22/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant elected Group III (claims 13-15, 22, 23, and 34), drawn to a compound by the formula of (I-2) without traverse. Applicant also elected the species of Example 205: tert-butyl 3-[4-(3-bromobenzyl)oxy]phenyl] propanoate. The claims read on the formula (I-2) where S¹ is a benzene having substituent(s) having a benzene ring. However, the structural formula of the specie does not show a benzene ring attach to another benzene ring see below for structure. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).



tert-butyl 3-[4-[(3-bromobenzyl)oxy]phenyl]propanoate

In Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN CORNET whose telephone number is (571)270-7669. The examiner can normally be reached on Monday-Friday 7.30am-5.00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on 571-272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick J. Nolan/
Supervisory Patent Examiner, Art Unit 4121

/JEAN CORNET/
Examiner, Art Unit 4121